

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FEDERAL NATIONAL MORTGAGE
ASSOCIATION,

No. C-11-3550 EMC

Plaintiff,

v.

**ORDER GRANTING ATTORNEY'S
FEES**

CARLOS LOPEZ,

Defendant.

In this Court's September 2, 2011 order remanding this case to state court, the Court indicated that pursuant to 28 U.S.C. § 1447(c), the Court would require Mr. Lopez to pay Wells Fargo's "just costs and any actual expenses, including attorney fees, incurred as a result of the removal." The Court instructed Plaintiff to file an affidavit detailing any just costs and actual expenses. The Court is now in receipt of that affidavit, *see* Weber Decl., Docket No. 17, and hereby enters the following order.

"To determine a reasonable attorney fee award, the court employs the lodestar method, under which the court multiplies the number of hours the prevailing party reasonably expended on the litigation by a reasonable hourly rate." *Baerthlein v. Electronic Data Systems Corp.*, No. C 05-00196 VRW, 2005 WL 818381, at *3 (N.D. Cal. Apr. 7, 2005) (citing *Yahoo!, Inc. v. Net Games, Inc.*, 329 F. Supp. 2d 1179, 1182 (N.D. Cal. 2004)). In this case, counsel only requests three hours of billed time. Weber Decl. ¶ 3. The Court finds such a request reasonable given the nature of the remand request in this case and sufficient to "reimburse[] to plaintiffs [] wholly unnecessary litigation costs the defendant[] inflicted." *Moore v. Kaiser Foundation Hospitals, Inc.*, 765 F. Supp. 1464, 1466 (N.D. Cal. 1991), *aff'd*

1 981 F.2d 443 (9th Cir.1992). In addition, the Court finds the hourly rate of \$190 reasonable, Weber
2 Decl. ¶ 3, as it is well within the prevailing rates in this area and under a rate approved by this District
3 for § 1447(c) fees over six years ago. *See Baerthlein*, 2005 WL 818381 at *5 (using an average market
4 rate of \$200 per hour).

5 Accordingly, the Court hereby GRANTS Plaintiff's requested \$570 in attorney's fees.

6 IT IS SO ORDERED.

7
8 Dated: January 12, 2012



EDWARD M. CHEN
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

FEDERAL NATIONAL MORTGAGE,

Case Number: CV11-03550 EMC

Plaintiff,

CERTIFICATE OF SERVICE

v.

CARLOS LOPEZ et al,

Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on January 12, 2012, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Carlos Lopez
336 West H Street
Dixon, CA 94620

Dated: January 12, 2012



Richard W. Wieking, Clerk
By: Betty Lee, Deputy Clerk